

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
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:  
-against- :  
:  
DEJAN PISKACEK, :  
:  
Defendant. :  
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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/15/2020

18-CR-840 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 30, 2020, Mr. Piskacek moved for compassionate release pursuant to 18 U.S.C. § 3582(c) (Dkt. 145);

WHEREAS on April 2, 2020, the Government opposed Defendant's motion (Dkt. 149);  
and

WHEREAS on April 10, 2020, the Court encouraged Mr. Piskacek to submit a furlough request to the Bureau of Prisons ("BOP") and deferred ruling on Mr. Piskacek's motion until he had exhausted his remedies with the BOP under the statute (Dkt. 153; *see also* Dkts. 158, 160);

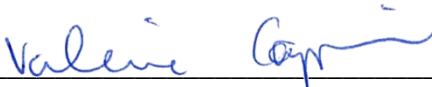
IT IS HEREBY ORDERED that Mr. Piskacek's motion for compassionate release is DENIED. He fails to demonstrate "extraordinary and compelling reasons" to reduce his sentence. 18 U.S.C. § 3582(c)(1)(A)(i). Mr. Piskacek is about halfway through his eight-month sentence of incarceration at the Metropolitan Correctional Center. He is only 39 years old. Although Mr. Piskacek has asthma, he presents no evidence that it is anything but mild and well-managed. Similarly, Mr. Piskacek's assertions that he is hypertensive and pre-diabetic are barely supported by the record, and, assuming that there is truth to those assertions, there is no evidence that his conditions put him at significantly higher risk of complications should he contract COVID-19.

The Court encouraged Mr. Piskacek to apply for a furlough at a time when it was very unclear how well (or poorly) the Bureau of Prisons would be able to manage the COVID crisis and when Mr. Piskacek had served a considerably shorter portion of his sentence. At this point, particularly inasmuch as it appears Mr. Piskacek contracted and recovered from COVID<sup>1</sup> and is almost halfway through the incarceration portion of his sentence, the Court defers to the Warden whether Mr. Piskacek should be furloughed. This Court, of course, has no authority itself to furlough him. *See United States v. Stahl*, No. 18-CR-694, 2020 WL 1819986, at \*1 (S.D.N.Y. 2020).

The Clerk of Court is respectfully directed to close docket entry 145.

**SO ORDERED.**

**Date: June 15, 2020**  
**New York, NY**

  
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**VALERIE CAPRONI**  
**United States District Judge**

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<sup>1</sup> Although that fact has not been confirmed by diagnostic or antibody testing, the circumstances and symptoms of a two-week illness he reported to the Court are consistent with a COVID-19 infection. *See* Def.'s Letter dated May 14, 2020 (Dkt. 159) at 4; Gov't's Letter dated May 22, 2020 (Dkt. 162) at 4.